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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,623	07/18/2003	David E. Helgerson	M115.2-11240	2645

490 7590 12/15/2004

VIDAS, ARRETT & STEINKRAUS, P.A.
6109 BLUE CIRCLE DRIVE
SUITE 2000
MINNETONKA, MN 55343-9185

EXAMINER

DILLON JR, JOSEPH A

ART UNIT	PAPER NUMBER
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3651

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/622,623	Applicant(s) HELGERSON ET AL.	
	Examiner Joseph A. Dillon, Jr.	Art Unit 3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 10-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10/15/03</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's election without traverse of 10/25/04 is acknowledged.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kalm (6,286,660) in view of either Garrity (5,060,785) or Loomer (5,730,274) or Kalm et al. (5,582,286).

With regard to claim(s) 1, Kalm (6,286,660) discloses all the claimed limitation(s) but lacks a rail aperture. Garrity (5,060,785) and Loomer (5,730,274) and Kalm et al. (5,582,286) teach(es) a rail aperture.

It would have been obvious to modify Kalm (6,286,660) to substitute a rail aperture in order to increase efficiency as taught by Garrity (5,060,785) or Loomer (5,730,274) or Kalm et al. (5,582,286).

4. Claims 1-5 & 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kalm (6,286,660) in view of either Garrity (5,060,785) or Loomer (5,730,274) or Kalm et al. (5,582,286) as applied to claims 1-4 above, and further in view of either Huber et al. (5,213,201) or Wielewski et al. (6,701,214) or Hall (5,285,887) or Taylor (5,862,907).

With regard to claim(s) 5, Huber et al. (5,213,201) and Wielevski et al. (6,701,214) and Hall (5,285,887) and Taylor (5,862,907) teach(es) bi-directional intermodular communication.

With regard to claim(s) 9, as the applicant has failed to show criticality or unexpected results, motor location is considered to be a matter of design choice.

It would have been obvious to modify Kalm (6,286,660) to provide intermodular communication in order to increase efficiency as taught by Huber et al. (5,213,201) and Wielevski et al. (6,701,214) and Hall (5,285,887) and Taylor (5,862,907).

5. Claims 1-4, 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over unpatentable over Kalm (6,286,660) in view of either Garrity (5,060,785) or Loomer (5,730,274) or Kalm et al. (5,582,286) as applied to claims 1-4 above, and further in view of Itoh et al. (6,021,888).

With regard to claim(s) 6, Itoh et al. (6,021,888) teach(es) a plurality of sensors per rail.

It would have been obvious to modify Kalm (6,286,660) to provide a plurality of sensors per rail in order to increase efficiency as taught by Itoh et al. (6,021,888).

Conclusion

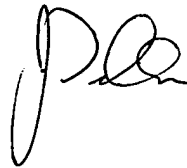
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph A. Dillon, Jr. whose telephone number is

(703)305-9728. The examiner can normally be reached on 8-5:30, every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on (703)308-2560. The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-7687 for regular communications and (703)308-0552 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1134.



**JOE DILLON, JR.
PRIMARY PATENT EXAMINER**